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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,424	09/25/1998	SCOT L. SCHNEEBELI	1215	6327

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KSOPHT0101-Z2100

OVERLAND PARK, KS 66251-2100

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 02/05/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/160,424

Applicant(s)

SCHNEEBELI ET AL.

Examiner

Grant Ford

Art Unit

2141

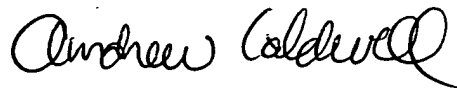
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 7/5/2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Continuation of 10. Other (including any explanation in support of the above items): Applicant's section II - Related Appeals and Interferences fails to conform to 37 CFR 41.37c(1)(ii) regarding related appeals. First, the instant application fails to constitute a related appeal or interference, as the instant case fails to meet the requirement as being a related proceeding (e.g., commonly owned application having common subject matter, claim to a common priority application), which may be related to, directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal. Second, Applicant's Related Appeals and Interferences section fails to conform to 37 CFR 41.37c(1)(ii), as it fails to identify related appeals or interferences by application number, patent number, appeal number, or interference number. The Examiner suggests removing the instant appeal from the Related Appeals and Interferences section and replacement with a statement indicating there are no such related appeals or interferences known by the appellant. See MPEP 1205.02.